

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2892 of 1995

to

FIRST APPEAL No 2917 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DY COLLECTOR & SPL LAQ OFFICER

Versus

PATEL ISHWARBHAI SHANKERBHAI

Appearance:

MR.M.R.ANAND, Senior Counsel with MR.L.R.PUJARI, AGP, for the Appellant.

Mr.NITIN AMIN, Learned Advocate for the Respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/07/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeals are admitted. Mr. Nitin Amin, waives service on behalf of the respondent(s) in each of these appeals.

2. At the joint request of the learned counsel for the respective parties, these appeals are taken up for final hearing today.

3. These appeals filed by the State arise under section 54 of the Land Acquisition Act, read with section 96 of the Code of Civil Procedure, and challenge the judgment and awards in a group of Land Reference Cases under section 18 of the said Act.

4. As a result of the discussion, and on perusal of the relevant material on record, it becomes apparent that the lower court has substantially relied upon the earlier judgment in a group of Land Reference Cases, the certified copy whereof is on record at ex.47. Under the awards ex.47, the court had determined the market value of the lands at Rs.10/- per sq.mt. Thus, on the basis of relevant evidence on record, the lower court has also determined the market value of the lands under acquisition, at Rs. 10/- per sq.mt.

5. However, the learned counsel for the appellant has drawn my attention to my earlier decision dated 4th May, 1996 in First Appeal Nos. 5366/95 to 5377/95.

6. In my aforesaid decision, I had dealt with the said appeals arising from awards under section 18, in respect of the lands which are acquired from the same village, for the same project and under the same notification under section 4 of the said Act, as in the instant group of appeals.

7. In my aforesaid decision, after consideration of the relevant facts and circumstances, I have determined the market value of the acquired lands at Rs.8/- per sq. mt.

8. In view of my aforesaid decision, the learned counsel for the respondent(s) was not in a position to contend that the market value of the lands presently under acquisition can possibly exceed Rs.8/- per sq.mt.

9. In the premises aforesaid, these appeals of the State require to be partly allowed. The market value of the lands in each of the present Land Reference Cases, is determined at Rs.8/- per sq. mt., and the respective claimants shall be entitled to compensation at this rate. Since the market value of the lands stands reduced from Rs.10/- per sq. mt. to Rs.8/- per sq.mt. by virtue of the present decision, there shall be a corresponding and proportionate reduction in the amount of solatium, interest etc. The impugned awards shall stand modified only to that extent.

10. These appeals are therefore, partly allowed with no order as to costs.

11. Decree accordingly.

12. The appellants are directed to deposit the requisite amount due and payable under the present decree in the Reference Court, separately in each Land Reference Case, latest by 30th October, 1996. Direct Service permitted.
